IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.655 OF 2004

Narhari Manohar Bharate ...Appellant
Vs.
Balasaheb Somnath Gavasane & Ors. ...Respondents

Mr.G.S.Godbole for the Appellant
None for the Respondents.

CORAM: A.S.OKA, J.
DATED: APRIL 24,2006.

P.C.:

1. Heard Shri Godbole for the Appellant. The Appellant is the original Defendant. The Respondents filed a suit simplicitor for injunction. In the said suit the Appellant filed counter claim for specific performance of agreement for sale allegedly executed in favour of the Appellant by the father of the respondent Nos.1 to 5. The Trial Court decreed the suit for injunction and the counter claim was dismissed. The Decree of the trial court has been confirmed in Appeal.

2. The Courts below have recorded a concurrent finding of fact that the Appellant failed to establish the execution of the agreement for sale by the father of the Respondent Nos.1 to 5. The said findings are based on appreciation of oral and documentary evidence on record. There is no perversity in the said finding. No substantial question of law arises. Second Appeal is dismissed with no order as to costs.

Judge.